

No. 11669-4Lab-75/31785.—In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workmen and the management of M/s Sehkos & Co., Sector-6, Faridabad.

**BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD**

Reference No. 57/73

between

**SHRI G. C. KOHLI, WORKMAN AND THE MANAGEMENT OF M/S SEHKOS & CO.
SECTOR-6, FARIDABAD**

AWARD

By order No. ID/FD/73/18280, dated 26th May, 1973, the Governor of Haryana, referred the following dispute between the management of M/s Sehkos & Co., Sector-6, Faridabad and its workman Shri G. C. Kohli to this Tribunal, in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947.

Whether the termination of services of Shri G. C. Kohli was justified and in order ? If not, to what relief is he entitled ?

Usual notices of the reference being sent to the parties, they put in their appearance and filed their pleadings leading to the framing of the following issues,—*wide* order, dated 1st October, 1974.

- (1) Whether Shri G. C. Kohli present claimant is not a workman as defined under section 2(s) of the Industrial Disputes Act, 1947 ? (on management)
- (2) Whether the demand the subject matter of the present reference was first raised on the management and rejected by it before taking up the matter for conciliation ? If not, with what effect ? (on workman)
- (3) Whether the termination of services of Shri G. C. Kohli was justified and in order ? If not, to what relief is he entitled ?

The management absented themselves on 12th November, 1974, the date of hearing fixed in the case for recording the evidence of the parties with the result that the workman was directed to adduce his *ex parte* evidence.

Even the workman did not appear on 8th October, 1975 the date of hearing fixed for recording his *ex parte* evidence. This leads to a conclusion that he is not interested to pursuing his demand and there is now no dispute between the parties requiring adjudication. I hold accordingly and return a no dispute award.

Dated the 10th October, 1975.

MOHAN LAL JAIN,

**Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.**

No. 11269-4Lab-75/31787.—In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workman and the management of M/s Globe Steels, Mathura Road, Ballabgarh.

**BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD**

Reference No. 29 of 1975

between

**SHRI AMI CHAND, WORKMAN AND THE MANAGEMENT OF M/S GLOBE STEELS,
MATHURA ROAD, BALLABGARH**

AWARD

By order No. ID/FD/74/7157, dated 27th January, 1975, the Governor of Haryana, referred the following dispute between the management of M/s Globe Steels, Mathura Road, Ballabgarh and its workman Shri Ami Chand to this Tribunal, in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947.

Whether the dismissal of Shri Ami Chand was justified and in order ? If not, to what relief is he entitled ?

Usual notices of the reference being sent to the parties, they appeared before me today. Shri Ami Chand made a statement that he did not propose to proceed with the reference as demand made by him on the management leading to the reference had since been satisfied fully.

I accordingly in view of the statement made by the workman hold that the demand made by him on the management had been satisfied and there is now no dispute between the parties requiring adjudication. I return a no dispute award.

Dated 25th September, 1975

MOHAN LAL JAIN,

Presiding Officer,

Industrial Tribunal Haryana,
Faridabad.

No. 11622-4Lab-75/31779.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workman and the management of M/s Escorts Ltd., Plant II, Faridabad.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 184 of 1973

between

SHRI A. K. KAMBOJ, WORKMAN AND THE MANAGEMENT OF M/S
ESCAPTS LTD., PLANT II, FARIDABAD

AWARD

By order No. ID/FD/73/42590, dated 5th November, 1973, the Governor of Haryana referred the following dispute between the management of M/s Escorts Ltd., Plant II, Mathura Road, Faridabad and its workman Shri A. K. Kamboj to this Tribunal, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947.

Whether the termination of services of Shri A. K. Kamboj was justified and in order ? If not, to what relief is he entitled?

Usual notices of the reference being sent to the parties, they appeared in this Tribunal and filed their pleadings.

Whereas the workman alleged,—*vide* his statement of claim dated 11th February, 1974 that his services had been illegally terminated and he was entitled to be reinstated, the management while denying his allegations pleaded,—*vide* written statement dated 1st April, 1974, that the workman absented himself from duty on 13th February, 1972 and continued to be absent till 9th March, 1972 without applying for leave with the result that the registered letter was sent to him intimating him that he had lost his lien on the post under the Certified Standing Orders governing him.

The parties thus came to trial on the following issues framed.—*vide* order dated 9th May, 1974, by my learned predecessor Shri O. P. Sharma.

Issues.—

- (1) Whether it is a case of self abandonment of service by the workman due to unauthorised absence from duty from 13th February, 1972 onwards resulting in the loss of lien in the post held by him as alleged by the management ? (on management)
- (2) In case issue No. 1 is not proved whether the termination of services of Shri A. K. Kamboj was justified and in order ? If not, what relief is he entitled ?

The management in order to prove issue No. 1 examined Shri Balwant Singh, their Time-Keeper entrusted with the duty of making entries in the attendance register in respect of attendance or absence of the employees. He stated with reference to the attendance register of February and March, 1972 brought by him that the workman had absented himself from duty from 13th February, 1972 to 9th March, 1972 when his name was struck off the roll under the Standing Orders of the company. He produced the copies of the relevant entries Exhibit M-1 and M-2 establishing the absence of the workman from duty during the period from 13th February, 1972, till 9th March, 1972.

The management further examined Shri P. C. Aggarwal M. W. 2 their Industrial Relation Officer and Shri R. N. Passi M. W. 3, their Chief Security Officer. Shri P. C. Aggarwal deposed that the workman remained absent from 13th February, 1972 onwards till 9th March, 1972 when he lost his lien on the post and an intimation was sent to him in this connection,—*vide* letter copy whereof is Exhibit M-3, *vide* registered cover Exhibit M-4 received back in original with a report of the postal authorities that the house of the workman was found locked. He produced the copy of the Standing Orders of the management Exhibit M-5. He denied the suggestion contained in letter Exhibit M-6 received by the management from the workman on 17th March, 1972 that the letter was handed over to the police on a charge of theft on 13th February, 1972 and that he remained confined in the police lock up till 3rd March, 1972. Shri R. N. Passi also denied the suggestion that he took the workman to the police station in his car or that he disallowed him to enter the factory premises on 10th March, 1972.

The workman did not adduce any evidence despite several adjournments being granted to him with the result that his evidence had to be closed unavoidably on 25th September, 1975, the final date fixed in the case for recording his evidence.

It would appear that the evidence of Shri Balwaat Singh, P. C. Aggarwal and Shri R. N. Passi, officers of the management fully corroborated by the documentary evidence, remained unrebutted. I as such see no reason to disbelieve the same. I, therefore, placing full reliance on the oral and documentary evidence led by the management hold that it is a case of loss of lien of service of the workman as a result of his continued absence from 13th February, 1972 till 9th March, 1972 under the certified standing orders copy Exhibit M-5 governing him and not a case of termination of his services by the management. I as such decided issue No. 1 accordingly.

The question of deciding issue No. 2 does not arise in view of my finding on issue No. 1. The result is that the workman is not entitled to any relief. I return the award accordingly.

Dated, the 30th September, 1975.

MOHAN LAL JAIN,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 11268-4Lab-75/31793.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s Sikand Plastic Industries, Sector 4, Plot No. 17, Faridabad.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD.

Reference No. 9 of 1975

between

SHRI RAM KESAR, WORKMAN AND THE MANAGEMENT OF M/S SIKAND PLASTIC
INDUSTRIES, SECTOR-4, PLOT NO 17, FARIDABAD

AWARD

By order No. ID/FD/74/41289, dated 30th December, 1974, the Governor of Haryana, referred the following dispute between the management of M/s Sikand Plastic Industries, Sector-4, Plot No. 17, Faridabad and its workman Shri Ram Kesar to this Tribunal, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947.

Whether the termination of services of Shri Ram Kesar was justified and in order? If not, to what relief is he entitled?

Usual notices of the reference being sent to the parties, they appeared in this Tribunal and filed their pleadings whereas the management set up a plea of self abandonment of the service by the workman, he latter alleged that the services had been terminated by the former illegally. The management also pleaded that the statement of claim filed by the workman was defective and Shri Bhim Singh Yadav appearing for the workman was not competent to represent him.

Issues were thus framed on the pleas of the parties,—*vide* order dated 24th February, 1975 of my learned predecessor Shri O. P. Sharma. The evidence of the management and part evidence of the workman was recorded and the case was adjourned to 11th July, 1975, for recording remaining evidence of the workman. Shri Bhim Singh Yadav alleged authorised representative for the workman failed to appear on 11th July, 1975 despite being directed to do so and adduce his remaining evidence. It was considered proper to issue him a notice to appear before me on 20th August, 1975. I had fixed some cases on 20th August, 1975 at Charkhi Dadri and this case was adjourned to this date.

Whereas Shri Ram Sarup has put in his effective appearance before me for the management, Shri Bhim Singh Yadav represents that he has no instruction from the workman and has not heard from him since long. He had made a statement to that effect.

This shows that the workman is not interested in pursuing his demand initially put on by him on the management relating to the dispute referred to me. I accordingly consider and hold that there is now no dispute between the parties requiring adjudication. I return a no dispute award.

Dated the 25th September, 1975

MOHAN LAL JAIN,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 11310-4 Lab-75/31795.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workman and the management of M/S East India Cotton Manufacturing Co. Ltd., Faridabad.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 104 of 1972

between

SHRI RISHI LAL, WORKMAN AND THE MANAGEMENT OF M/S EAST INDIA COTTON
MANUFACTURING CO. LTD., FARIDABAD

AWARD

By order No. 1D/FD/72/42623, dated 8th December, 1972, the Governor of Haryana referred the following dispute between the management of M/s East India Cotton Manufacturing Co. Ltd., Faridabad and its workman Shri Rishi Lal to this Tribunal, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947.

Whether the termination of services of Shri Rishi Lal was justified and in order? If not, to what relief is he entitled?

Usual notices of the reference being issued for service of the parties, they put in their appearance before this Tribunal.

The case as set up by the workman,—*vide* demand notice that his services had been terminated illegally without sufficient cause, was controverted by the management *vide* written statement with the pleas that the services of the workman had been terminated legally after proper enquiry and services of charge-sheet on him. It was stated by the management that the workman was charge-sheeted on the allegations of his having approached Shri Bengali Ram, Contractor, for the supply of wooden boxes to the management by him and that he requested Shri Bengali Ram to pay him commission in consideration of his obtaining receipts from the stores in respect of supply of wooden boxes without actually supplying the same, and that he actually got issued a slip from the stores department relating to the supply of the wooden boxes without actually supplying the same.

The workman *vide* rejoinder filed by him, controverted the pleas of the management with an assertion that in fact no enquiry had been held and that he having declined to submit to the pressure of the management asking him to tender his resignation, the order relating to the termination of his services was made as an act of his victimisation. The parties led evidence and closed their case. I have heard Shri P. N. Puri authorised representative of the workman and considered the written arguments filed by him. The management, however, did not care to put in appearance for addressing arguments, after the parties had closed their evidence and they had been directed to put in the written arguments.

It would appear from the facts of the case stated by me in extenso above that the only question requiring determination is in respect of the vires of the enquiry and in case it is found that the enquiry was properly conducted with a reasonable and fair opportunity to the workman to take part therein and fully cross examined the witnesses for the management and adduce his evidence, the order relating to the termination of his services has to be held as legal. It shall thus have to be seen if the management has been able to pass the test required by law relating to the enquiry, in the instant case.

Taking up this question for consideration I would like to point certain admissions made by the management *vide* written reply and the statement of Shri J. S. Kapoor, their Personal Officer, examined as M. W. 1. For instance it stands admitted that Shri J. S. Kapoor appointed as an Enquiry Officer directed the workman to appear before him on 2nd January 1972 at 10 A. M. *vide* letter dated 30th December, 1971 despatched only two days before. Shri Rishi Lal actually received the letter on 3rd January, 1972 and as such the question of putting in his appearance before the Enquiry Officer on 2nd January, 1972 did not arise. Shri J. S. Kapoor again admittedly called upon the workman to appear before him on 12th January, 1972 at 10 A. M. *vide* letter dated 7th January, 1972 which was said to have been received by the workman on 19th January, 1972. The workman was again directed to put in his appearance before Shri J. S. Kapoor on 31st January, 1972 at 10 A. M. *vide* letter dated 28th January, 1972 despatched only 3 days before. The Enquiry Officer under a sense of guilt in having not granted sufficient time to the workman to put in his appearance before him, set aside the exparte proceedings taken against the workman on 12th January, 1972 *vide* his order dated 31st January, 1972 and granted him a fresh opportunity to take part in the enquiry.

Whereas the management contended that the workman appeared before the Enquiry Officer on 31.1.72 and declined to sign the proceedings taken up on that date by way of recording the statement of Shri Bengali Ram, the workman emphatically denied that allegations with the plea that no proceedings were taken up in his presence on that date. He stated that his thumb marked the enquiry proceedings only once when he was threatened by Shri U. M. Jain and Shri J. S. Kapoor, Officers of the management to put in his resignation and that he did not appear before the Enquiry Officer either on 31st January, 1972 or any other date.

The management examined only Shri J. S. Kapoor in support of their case relating to the correctness of the enquiry. It has already been found as a fact that Shri J. S. Kapoor had been issuing notices to the workman, only 2/3 days before the actual date of hearing with the result that the notices were received by the workman after the date of hearing. It is further clear that the enquiry officer set aside the exparte proceedings taken up against the workman on 12th January, 1972 *vide* order dated 31st January, 1972 under a sense of guilt and a feeling of injustice to the workman. This conduct of the Enquiry officer is sufficient to raise an inference that his sole testimony uncorroborated by other evidence relating to the vires of the enquiry can not be relied upon. It is significant to note that the management did not examine even Shri Bengali Ram, their star witness to corroborate their case relating to the proceedings of the enquiry. The statement of Shri J. S. Kapoor that the workman was present on 31st January, 1972 stands rebutted by the statement of the workman himself and there is thus no guarantee of the statement of the former being correct or otherwise truthful. I on the other hand feel inclined to hold that the proceedings of the enquiry Exhibit M. 4 are all a farce and the result of the determination of the management to weed out the workman from service, on account of his being a member of the trade union, known as Kapra Mills Mazdoor Union.

One Shri Bhagwan Dass examined as W.W.2, General Secretary, Kapra Mills Nazdoor Union corroborated the statement of workman Shri Rishi Ram that Sary Shri U. M. Jain, J.S. Kapoor and the Security Officer threatened Shri Rishi Ram in this presence to submit his resignation and the latter did not agree. Nothing could be brought in cross examination either of Shri Rishi Lal or Bhagwan Dass leading me to suspect their evidence. The conduct of Shri J. S. Kapoor in issuing notice to the workman to appear in a manner so as not to allow sufficient time for service of these notices on him, is obviously unfair and deserve out right condemnation. There is hardly any reason under the circumstances for relying upon the uncorroborated evidence of Shri J. S. Kapoor that Shri Rishi Ram was present on 31st January, 1972 when the statement of Shri Bengali Ram was recorded.

I, therefore, while disbelieving the statement of Shri J. S. Kapoor rely on the evidence of the workman and his witness Shri Bhagwan Dass that he was not informed of the date of hearing of the enquiry i. e. 31st January, 1972 and no fair opportunity was given to him to take part therein. I inconsequent hold the enquiry as a sham proceeding adopted by the Enquiry Officer himself to favour the management at the back of the workmen without proper notice and intimation to him. The enquiry allegedly held by Shri J. S. Kapoor thus stands vitiated entitling the workman to be reinstated from the date of the termination of his services.

The management did not apply or show their intention to adduce their evidence on merits of the misconduct alleged against the workman, so such so they did not address arguments nor filed written arguments as ordered by the Tribunal. This leads to the conclusion that they are not interested in adducing evidence on merits of the misconduct alleged against the workman. The result is that the reference stands answered in favour of the workman with the findings that the date of the termination of his service was

unjustified and not in order and that he is entitled to his reinstatement with effect from 6th April, 1972 with full basic wages as admissible to him under the conditions of service governing him and continuity of service. I return the award accordingly.

MOHAN LAL JAIN,

Dated the 22nd September, 1975

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Endorsement No. 5176, dated 22nd September, 1975.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

MOHAN LAL JAIN,

Dated 22nd September, 1975.

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 11271-4Lab-75/31800.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/s Rapid Cast Foundry, 12, Industrial Area, N. I. T., Faridabad.

**BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD**

Reference No. 131 of 1975

between

**THE WORKMEN AND THE MANAGEMENT OF M/S RAPID CAST FOUNDRY, 12,
INDUSTRIAL AREA, N. I. T., FARIDABAD**

AWARD

By order No. ID/FD/75/51418, dated 23rd July, 1971, the Governor of Haryana referred the following dispute between the management of M/s Rapid Cast Foundry, 12, Industrial Area, N. I. T., Faridabad and its workmen to this Tribunal, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947.

- (1) Whether the workmen are entitled to the grant of bonus for the years 1972-73, 1973-74 and 1974-75 ? If so with what details ?
- (2) Whether the workmen working in furnace should be supplied milk ? If so, with what details ?
- (3) Whether the workmen should be supplied with uniform ? If so, with what details ?
- (4) Whether the workmen should be provided shoes ? If so, with what details ?
- (5) Whether the workmen working on furnace should be supplied Gur ? If so, with what details ?

Usual notices of the reference being sent to the parties, they appeared before me today and relied upon an amicable settlement admittedly arrived at by them. They made their statements in terms of the settlement Ex. M-1 reduced into writing by them, whereas the workmen made a statement that the demand made by them on the management have been satisfied. Shri R. C. Sharma, authorised representative for the management endorsed this as correct.

I accordingly hold that there is now no dispute between the parties requiring adjudication. I return a no dispute award.

MOHAN LAL JAIN,

Dated 25th September, 1975

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.